

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONNA M. GOSHAY,)
)
Plaintiff)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant)

Civil Action No. 10-568

ELECTRONICALLY FILED

JUDGMENT ORDER

Plaintiff's complaint was received by the Clerk of Court on May 6, 2010, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

United States Magistrate Judge Lenihan's Report and Recommendation (Doc. No. 19), filed on December 7, 2010, recommends that Plaintiff's Motion for Summary Judgment (Doc. No. 9) be granted to the extent which it seeks a remand for reconsideration of the administrative decision of the Commissioner of Social Security, denying her applications for disability insurance benefits and supplemental security income, and that the Defendant's Motion for Summary Judgment (Doc. No. 15) be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. The Defendant filed a timely Objection to United States Magistrate Judge Lenihan's Report and Recommendation on December 22, 2010 (Doc. No. 20) and Plaintiff responded thereto (Doc. No. 21). After review of the cross-motions for

summary judgment and the documents in the case, together with United States Magistrate Judge Lenihan's Report and Recommendation (Doc. No. 19) and the Defendant's Objections and Plaintiff's Response thereto, (Doc. Nos. 20 & 21) the following order is entered:

AND NOW, this 28th day of December, 2010, IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Lenihan (Doc. No. 19) is affirmed and adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 9) is **GRANTED IN PART**, to more fully develop the record below with respect to all relevant, objective medical evidence establishing Plaintiff's functional limitations, and to determine which of those limitations, if any, are attributable to Plaintiff's use of alcohol, and **DENIED IN PART**, to the extent that a final judgment is sought.

IT IS FURTHER ORDERED that the Commissioner of Social Security's Motion for Summary Judgment (Doc. No. 15) is **DENIED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is **VACATED** and **REMANDED** for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Lenihan.

The Clerk of Court shall mark this case closed.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties
United States Magistrate Judge Lenihan